

COBBETT'S WEEKLY POLITICAL REGISTER.

Vol. 33. No. 4.] NEW-YORK, THURSDAY, JUNE 5, 1817. (Price \$5 per Ann. or 12½ c. per No.)

97]

[98

A LETTER TO LORD VISCOUNT SIDMOUTH ON HIS

Circular to the Lords Lieutenant, dated on the 27th of March, 1817; and on divers other matter relating to the situation and the contrivances of the Boroughmongers.

Long-Island, State of New-York,
21st May, 1817.

MY LORD,

When you told the House of Lords, in your speech, which introduced the Bill for giving to you and your colleagues the absolute power of disposing, at your sole pleasure, of the persons, the very carcasses, of all those who had the misfortune to live under your sway, you stated, as your *chief reason*, the immense sale and circulation and perusal of *certain cheap publications*. Your Bill was received. It became what is called a *law*. One would have thought, that this would have satisfied you. One would have thought, that this would have allayed the fears of your masters, the Boroughmongers. In answer to LORD GROSVENOR, who had, on a former night, said, that, "before any new laws were resorted to, it ought to be clearly proved, not only that great and enormous offences were committed, but, also, that the present laws had been tried, and had been found to be insufficient to repress these enormities."—In answer to this just and reasonable observation, what did your Lordship say? Why this: that you had regularly laid all the *mischievous publications* before the Law-Officers of the Crown, and, that you were "sorry to say, that, hitherto, they had been unable to find out any thing which they could prosecute with any chance of success!" That is to say, they could find out no offence against the laws; and (oh shame!) for this you were sorry! A sentiment, however, which

agrees perfectly with the well-known fact, a fact proved before the Lord Mayor, of your having approved of a publication, the advertising of which the Lord Mayor regarded as intended to produce a riot at Spa-fields, and for which attempt to create a riot he bound the publisher over to answer for the offence.

But, not to suffer myself to be led astray from the Circular, let us first take a look at this curious document, which will cut a figure hereafter as well as at present, and will add three names at least to that List of Worthies, which every man in England ought to have always at hand, ready to bring forth at a moment's notice. The expressions used in this Circular are very vague, and every word is worthy of the greatest attention. I am quite sure, that it is impossible for you and your colleagues and the Boroughmongers to succeed in your project of preventing Reform; your efforts, as having that object ultimately in view, are, therefore, contemptible; but, it is curious, and it will be useful, to watch the progress, and to mark the character of the measures, which you adopt.

"Whitehall, 27th March, 1817.

"MY LORD,

"As it is of the greatest importance to prevent, as far as possible, the circulation of blasphemous and seditious pamphlets and writings, of which, for a considerable time past, great numbers have been sold and distributed throughout the country, I have thought it my duty to consult the law officers of the crown, whether an individual found selling, or in any way publishing such pamphlets or writings, might be brought immediately before a Justice of the Peace, under a warrant issued for the purpose, to answer for his conduct. The law officers having accordingly taken this matter into their consideration, have notified to me their opinion, that a Justice of the Peace may issue a warrant to apprehend a person charged before him upon oath with the publication of libels of the na-

"ture in question, and compel him to give bail to answer the charge. Under these circumstances, I beg leave to call your Lordship's attention very particularly to this subject; and I have to request, that if your Lordship should not propose to attend in person at the next General Quarter Sessions of the Peace, to be holden in and for the county under your Lordship's charge, you would make known to the Chairman of such Sessions the substance of this communication, in order that he may recommend to the several magistrates, to act thereupon in all cases where any person should be found offending against the law in the manner above mentioned. I beg leave to add, that persons vending Pamphlets or other Publications, in the manner ALLUDED to, should be considered as coming under the provisions of the *Hawkers' and Pedlars' Act*, and be dealt with accordingly, unless they show that they are furnished with a license, as required by the said Act.

"I am, &c. "SIDMOUTH."

Yes, this is signed "*Sidmouth*." That is a fact not to be forgotten. Pray, my Lord, why did you not name my pamphlets at once? All the world knows, that knows any thing of the matter, that you meant them, and them alone; and, as every man in England well knows, that I never published any thing blasphemous, that I never spoke contemptuously of any religion, every man knows, that the word *blasphemous* has been introduced here for the purposes of deception; so that, if any thing could have added to the shame of your measures, it was not, at any rate, the putting of my name into your Circular that would have produced that effect.

"For a considerable time past," you say, these "*pamphlets*" have been sold and circulated. Yes, my Lord, since the 2d of November last, when I published the first *Cheap Register*. Before that time, there was no out cry against "*pamphlets*," the trade in which was enormous. It is manifest, therefore, that this newly-discovered law, and all this Revolution

that you and the Boroughmongers have made (for it is really a *Revolution*) have been, and are, levelled solely against my publications; and, my Lord, it is a serious thing for you to consider, that nothing short of the continuance of that Revolution can keep in check the circulation, the full swing and effect, of those publications. Not even this Revolution can stifle them. They will find their way in spite of the Revolution. Justices and Hawkens' Act and Dungeons are unavailing as to the work of stifling; and, I repeat, that nothing short of the continuance of your revolutionary career can keep the circulation in check. Ah! my Lord, it is useless for LORD LIVERPOOL to talk, as my Son heard him, about "*pursuing the stern path of duty*." It is useless for CASTLE-REAGH and you to sign your Warrants, Your Warrants and the cries of hunger are unknown under the shade of the groves of Accasias where I am now sitting, and whence I send my writings along with my kindest wishes to my suffering and insulted countrymen.

Before I proceed to speak of this newly-discovered law, suffer me to say a word or two about the *Hawkers' and Pedlars' Act*, which your Lordship has been pleased to furbish up for the occasion, as an old rusty sword is sometimes furbished up and new sharpened for purposes very different from those of honourable warfare. It is notorious to all England, that the *Hawkers' and Pedlars' Act*, whatever be the strict legal construction of it, has never been applied to cases of the nature mentioned in your Lordship's letter. It is perfectly notorious that pamphlets, from a half penny to six pence in price have been hawked all over the kingdom from time immemorial, without subjecting the hawker to the payment of the duty imposed by the Act. It is notorious, that publications issued in Numbers, as mine was, have been circulated and sold, further back than the memory of any man living, without any license under the *Hawkers' and Pedlars' Act*. It was clearly understood, that no other articles, except printed papers or books could be hawked without a license. The Noble

Lord, Erskine, who is a Peer of the Realm, who has a pension of four thousand pounds a year paid to him out of the taxes, and who is a decided enemy to Parliamentary Reform, does not think it beneath him to be a *hawker and pedlar of brooms*. We, in Hampshire, give the title of "*Broom-Squire*" to those who make large quantities of brooms, which they do out of the birch twigs that form part of the produce of a coppice. But my neighbour Newman, at Botley, who is a 'Squire of this description, did not condescend to *retail* his brooms, much less did he condescend to *hawk* them. He used to sell them by the waggon-load to the retailers in the great towns, or to the hawkers who took them about the country. Now, whether the Noble Peer, who sits in the same House with your Lordship, produced his own brooms from the raw material, and filled the office of Broom-Squire as well as of hawker and pedlar, is more than I can say; but this I know for a certainty, that his Lordship had an information lodged against him before the Police Magistrates at the office in Queen Square, Westminster, for having hawked and peddled brooms without a license; that he appeared there in person, in answer to the information; that he was convicted of the offence, and that he paid the penalty, accordingly. I hope, therefore, My Lord, that hawkers and pedlars will not, in future, be spoken of in so very contemptuous a manner. The profound respect which we owe to the assembly, of which the Noble Peer is a Member, and the impossibility that exists of his doing any thing degrading to his high station, calls upon us to speak of hawkers and pedlars with as much respect, at any rate, as we speak of the mass of mankind.

But, though brooms find no exception in their favour in this act of Parliament, and in the other Acts of Parliament, which are referred to in the latest Act upon the same subject, *pamphlets*, my Lord, do find an exception in their favour. I have not the Acts of Parliament at hand at this moment. But, I have the latest edition of Jacob's Law Dictionary lying

on the table before me. This edition is by Mr. Tomlins, of the Inner Temple, Barrister at Law, and was published in 1809, and it notices the present Act as well as all the rest which are in force upon the subject of hawking and peddling. Now, My Lord, this book, which is a great deal better authority than your *bare assertion*, has these words: "hawkers of newspapers, pamphlets, &c. are expressly excepted from the provisions and regulations applied to other hawkers." Therefore, the people of England, if you had left them any rights at all, would have the right to inquire of you, upon what authority you have ventured to tell the Lords Lieutenant, that the hawkers of the pamphlets and other publications that you allude to, "*ought to be considered as coming under the provisions of the Hawkers' and Pedlars' Act, and be dealt with accordingly, unless they show that they are furnished with a license as required by the said Act.*" What authority, I say; for, your Lordship will hardly pretend openly to avow that your sole will is to be the law. I know very well that the sole will of the Ministry is the law, and must be the law, as long as they have the absolute power of imprisoning when they please, and where they please, and for as long as they please, any man in his Majesty's dominions. I know that your sole will is the law; but, until you openly avow that it is the law, it will be necessary for you to show the authority which you have for issuing such a mandate as this to the Lords Lieutenant and the Justices of the Peace; and the Magistrates at the Quarter Sessions in Monmouthshire seem to think so too; for, to their everlasting honour, they have called upon you to tell them what are those Laws and those Statutes, upon which you have proceeded to call upon them to exercise such extraordinary and hitherto un-heard of powers. Well they may so call upon you, for the time may come, and, indeed, the time will come, and the time must come, when every Magistrate who shall have acted in conformity to any mandate which shall be contrary to the law of the Land; I say, the time must come when

every such magistrate, if he be still alive, will be called to a strict account for his conduct. There may be men in that capacity, who have been so long accustomed to treat the mandates of the ministry with more respect than the commands of the law, that they have lost all idea of responsibility, provided they have the ministry at their back. If there be such men; if there be gentlemen of England, who have taken the oaths of Justice of the Peace, and who are so little mindful of their duty and of their character; who have so little sense of honour and independence remaining in their breast; who have so totally forgotten the noble struggles which their ancestors made for up-holding the laws and the liberties of England, and for transmitting them to us unimpaired; if there be such men, and if they entertain the notion, that the producing of your circular letter, conveying to them the opinion of the Attorney and Solicitor General, backed with your own mandate, will silence the voice of the injured, the violated, and the insulted law of the land; if there be, in England, men so debased and so hardened, let them recollect the fate of EMPSON and DUDLEY! Those two gentlemen, when brought into the court of King's Bench, in the reign of Henry the Eighth, produced the mandates of King Henry the Seventh, in justification of every act with the commission of which they stood charged. They were accused of nothing for which they did not produce the full authority of the King and his Ministers. They amply proved, that they had done nothing of their own accord, or for their own private interests; but that all that they had done, and all they stood accused of, was in strict conformity to the orders which they had received from the King and his Council. But, they were told, that it was not orders of the King and his Council that they had to produce in their justification. It was the *laws*, and the laws of the land, too; for that, it was no justification of a tyrannical act that it had been committed by the order of another, any more than it would be a justification of a murderer that he had committed the murder by the

order of another. They were unable to show that there was any law to justify the acts that they were charged with. They were found guilty of *acts of oppression*, and *they were hanged accordingly*, though the young King wished very much to save their lives, as having been great favourites of his father.

And, my Lord, does your Lordship believe, that the time is *never* to come when the acts of oppression, committed in consequence of your mandate (if such acts should be committed) will be to be accounted for? Does your Lordship believe, that this that is now in existence is *always* to exist? It is impossible that it should; and it is equally impossible that the victims which have suffered and shall suffer under it, will not seek for and obtain redress by an appeal to the law of the land, as that law stood previous to the present revolution; for, *revolution* means a *great and total change*. It does not mean only a change from tyranny to freedom. It means also a change from freedom to tyranny. It is *impossible* that the present state of things can long remain in England; and it behoves every man who has experienced, or shall experience, any particular act of oppression under it, to note well all the circumstances; the names of the particular actors; the time; the place, and every thing else, which may be conducive to satisfactory proof of the facts. It is notorious, then, that it is perfectly legal to hawk pamphlets without a license. Numerous persons were taken up by the Magistrates long before I left England, and fined or imprisoned for hawking *my* pamphlet without a license. One of the persons who had been so punished, informed against a man for hawking *other* pamphlets. The information was laid before *Gifford*, who is one of your Police Magistrates, and who *dismissed the information* upon the ground, that it was no violation of the law to hawk pamphlets without a license. And yet, you now tell the Magistrates, that it is a violation of the law. What you mean is, that the Magistrates should become instruments in your hands to stifle in this way, as far as possible, every pub-

lication hostile to the views of the Boroughmongers; and that they should leave a free circulation to every publication in favour of those views. This is what you mean; and all that there is further to be said upon the subject is that though your mandate may be sufficient to induce the Magistrates to act, it will not, whenever the country shall recover its liberties, be a justification to them for having so acted.

Exactly the same may be said with regard to your mandate for *taking up and holding to bail* the publishers of what you are pleased to call blasphemous and seditious pamphlets and writings. The power to do this appears to me to be a *discovery* of a very recent date; for, if it had been discovered sooner, it might have saved you and the Boroughmongers a wonderful deal of trouble, seeing that it invests the Magistrates with the absolute power of ruining any man who publishes any thing that they, that is to say, *you and your colleagues, and the Boroughmongers*, may choose to consider either blasphemous or seditious, two words which may mean any thing that you may choose they should mean.

It is quite useless to attempt to dispute about what is blasphemous and what is seditious, and what is neither one nor the other, where the decision is wholly and entirely left to those who are to execute your mandate, and where the party imprisoned, or held to bail, has no power whatever to defend himself, or even to tender any thing in his defence. But, if one were to enter into a discussion of this sort, and to inquire a little as to what is or is not worthy of these opprobrious epithets, I, for my part, should call it blasphemy to call a league, manifestly levelled against the liberty and happiness of mankind, a *Holy Alliance*. I should call it blasphemy to put up public prayers and thanksgiving for a person's escape from a *plot*, which the parties instituting such prayers and thanksgiving well knew to have had no existence. I should call it blasphemy in Protestants to put up solemn thanksgiving for the restoration of what they had always deemed anti-chris-

tian, idolatrous, and blasphemous, and which their creeds and the articles of their Church still held to be such. These are things which I should deem blasphemy; but, it would nevertheless be a state of grievous oppression, if I, being a Magistrate well invested with the absolute power of imprisoning or holding to bail, without compulsion to bring to trial, and without any responsibility on my part, the persons guilty of these blasphemies. I should think it sedition in any one to attempt to cause it to be believed, that the selling of seats in Parliament, that the trucking of seats for titles or for pelf, that the squandering of the public money, that the possession of sinecures and pensions unmerited, that the keeping up of an enormous standing army in time of peace, that the taxing of the people into ruin and starvation, I should think it sedition of the blackest dye in any one to endeavour to inculcate the opinion, that these things were necessary to uphold the Kingly Government of England; but, still, if I were a Magistrate, I ought not to be invested with the absolute power of punishing the persons who might be guilty of sedition, even of this nefarious description.

Your Lordship may probably think it blasphemous to say that Christ, whose walk through life was one continued scene of poverty and humility, never intended, and I am sure he never ordained, that those who were to preach the Gospel, in after ages, should live in splendour and luxury, while the far greater part of their flock were dressed in rags, or bare-footed, and having scarce food sufficient to keep them from actually perishing. Your Lordship may deem it blasphemy to say that Christian Ministers will find in the Gospel no example and no precept to justify them in being the most busy, the most boisterous, the most desperate upholders of a system, which essentially combines drunkenness, lying, bribery, corruption, and perjury, much less to justify them in being the most malignant persecutors of all those who would fain put an end to this system, and establish in its stead, a system, the natural conse-

quences of which would be virtue, peace, liberty, and general happiness. Your Lordship may think it blasphemous to say these things; and you may think it seditious to say, that it is very hard that the labouring man should pay so large a portion of his earnings in taxes as not to have enough left to furnish him with food and raiment; to say that he is compelled to pay, in England, *twenty shillings* for a bushel of that very same salt, which is brought from England to Long Island, and here sold for *five* of those shillings, merely because those taxes which he pays upon his salt are taken off when that salt is sent out of the country; to say that here, where the cider is not taxed, two and thirty gallons of strong cider can be bought by the labouring man for eighteen shillings, while the same quantity of the same quality could not be bought in England for eighty shillings, though the day-labouring man here receives four shillings and six-pence a day for every twenty pence that a labourer receives in England, per day; to say, that here a common farmer's man, boarded and lodged in the house, receives from twenty-two to twenty-eight pounds sterling a year, while in England he receives from six to ten; to say these things, and many others, and to state and to prove, as I have done a hundred times over, that this difference arises from the heavy taxes in England and the light taxes in America; to say this, your lordship may deem seditious; but, to add at the end of all this, that *the people here have the choosing of their own representatives, and that the people in England have not*; to say this, and hence to infer that a Reform of the Parliament would tend greatly to lessen the miseries of the people of England; *this*, you and your colleagues, and above all, the Boroughmongers, would, doubtless, regard as most horribly seditious, if not blasphemously seditious! Why, my Lord, the fact is hardly to be believed; but I assert it to be a fact, and the people of England will not believe that I should assert it if it were not true, that even *coals*, brought from England, with freight, insurance, and even an import duty upon

their head, are sold cheaper at New-York than in London, though this is a country abounding in woods. The truth is, my Lord, that England, Scotland, and Ireland, abounding in all the means of making their people easy and happy, are inhabited by the most miserable of all mankind, not because there is a government there with a King at the head of it, but because the people are so weighed down by taxes of every description, which taxes have been caused by wars and loans, entered into by the Boroughmongers, for no other earthly purpose than that of preventing the people from choosing their own representatives.

This is the sedition; these are the seditious principles, which your Lordship's circular letter has it in view to stifle; but which principles, in spite of all that you can do, and all that the law-officers can advise, will finally prevail, and what is more, the day of their triumph, is, I am pretty certain, much less distant than the Boroughmongers seem to imagine.

The Magistrates in Monmouthshire have very properly asked you *where* it was that the law-officers discovered this new law of libel; this law, which authorizes the Justices of the Peace to imprison or hold to bail the publishers of works which they may think blasphemous and seditious. If this had been the law of the land, how came it to have slept all this time? Besides, you, who are a lawyer yourself, know very well, that a law was passed only about eight years ago, to authorize the *Attorney-General*, and him only, after filing of an information for libel, to bring the party before a Judge, and to give bail for his appearance in the case, if the Judge thought proper to exact such bail. This was thought so monstrous a stretch of power, that it never was acted upon but once, and that, too, by Sir Vicary Gibbs, *who never brought the man to trial* after having bound him to appear. The man is since dead, I believe, and death only released him from his bond! But this monstrous power your law-officers have now discovered to make *a part of the law of the land*, and to be vested, not only in the

Attorney-General, but in every Justice of the Peace in the kingdom, and that too, at a time when it is notorious that more than one half of the acting Justices are parsons, the most busy and unrelenting of all the enemies of freedom. Nay, this power is now to be in the hands, too, of your Police Justices, who are appointed by the Ministers, who receive a great salary, and whom you can turn out at your pleasure. My Lord, it is false to say that such a power was ever recognized by the laws of England. I say this in the hearing of the lawyers of America, who understand the laws well. I would stake my existence, or, which is about the same thing, I would place myself within the reach of your, or of Castlereagh's warrant, if there be any thing in the principles or usages of our laws, or of our courts, to justify this opinion of your law-officers, except you go to the proceedings and principles of the execrable court of Star-chamber, or except you go to one single act of Parliament passed in the reign of Edward the third, which was made for the particular purpose of preventing the feuds which arose between the great men in those times. And even this Statute, made at a time when the art of printing was unknown, scarcely gives a colour to such a proceeding as that of taking a man up and holding him to bail for the publication of any thing, no matter what.

The fact is, that this is a very desperate step. It is an attempt to stop the people's eyes by force. It is one of those measures which were to be looked for, and which can only be a prelude to something further. The *censorship direct*, that is to say, the submitting of every thing to be examined by a Government Agent *before it be printed*. This is what you must come to at last, or, you must give up the Boroughmongering System. Your law-officers are very ingenious; Mr. GARROW and Mr. SHEPPERD are sharp men, and they are lawyers in to the bargain; but those who have to do with the press are as sharp as they. Cunning as your law-officers are, the

press will be too cunning for them. The courts may do much; but the gallows and the gibbet, themselves, will not be sufficient. You must have power to prevent candle and fire being used after dark; you must shut out the light of the sun by day; or, you must come to the downright, bare faced, stark naked, Censorship of the Bourbons; and even that will not answer your purpose. You must cut out men's tongues: for if they cannot read, they will talk of what they have read, and all the while bitterness against you will be accumulating in their hearts. And, can there possibly be any bounds, any measure to this bitterness? Was there ever people so treated? Was there ever people so ground down and so insulted? What! they were able to *fight* for what they were told was the safety of their country; they were called upon to yield freely their money and their blood for the safety, and the honour of their country; they were extolled to the skies for their loyalty, their liberality, their public spirit, and their valour; and they were justly extolled too, but, what are become of the *promises* that were made them; those promises so often made, and in so decaded a tone; those promises of safety to themselves, of liberty, of happiness, of ease, of the quiet and secure enjoyment of their property, and of all their rights; what are become of all these fair and splendid promises? The Boroughmongers themselves acknowledge, that the people are in the deepest state of misery; and what are the remedies that they propose? What are the rewards that they propose for all the toils, all the patience, all the sufferings, all the losses; what is the balm which they administer to the hearts of fathers who have lost their sons, wives who have lost their husbands, children who have lost their fathers, in the bloody wars which have now terminated? They have stripped the people of the last remnant of those liberties for which they thought they were contending; they taxed them to starvation; they forbid them even to pray to them; they

treat their humble supplications as seditious; and to assemble to petition they punish with death.

But, my Lord, though my bosom swells with indignation in reflecting on this treatment of so excellent a people, I am not one of those who would, even now, be in haste to push things to extremity. I would rather, even now, see justice done to the people without any of those terrible events which I am quite sure will take place unless justice be done them. Of all the men in England, I, perhaps, have the greatest reason to complain of the conduct of the Government, by which I always mean the *Boroughmongers and their instruments*. During the insolent sway of Perceval, I had to endure persecutions, which, strictly speaking, no man ought to forgive. And, now, when Acts have been passed, manifestly aimed almost solely at myself, when a series of measures the most unfair, the most mean, and, at the same time, the most despotic, have deprived me of the income from my publications, of my copy-rights, of an immense fortune, the fair fruit of my industry and my talents, and the just inheritance of my children; even now, with all this to remember, I would gladly come to this compromise: "let all my injuries be forgotten; let me go uncompensated; let the hair of no man's head be touched; but, let the people have justice done them; let them have the choosing of their own representatives." This last, however, shall be with me a *sine qua non*. This is a point which I never will give up as long as I have life, and, barring accidents, I shall see your Lordship and your colleagues all dead and buried. I wish to see no troubles in England. I am not one of those, who because they have been driven from their country, wish to see it sunk to the bottom of the sea. There are too many men of that description. Were it my lot (which God forbid) never to see England again, my first wish would be that she should be free, happy, and powerful. Far be it from me to wish, that she should undergo a convulsion, even sufficient to produce the punishment of her oppressors. But, let come what will

come, I wish her to recover her freedom, and, whatever may be necessary, and absolutely necessary, to effect that object, I shall not only be decidedly for, but shall certainly assist in it to the utmost in my power.

The Boroughmongers have, as the vulgar saying is, *missed their mark*. With the Lord Fitzwilliams at their head, they have got the maxims and all the sentiments of the prostituted Burke upon their tongues. They forget that he wrote for his pension, for the reversion to that pension, and, what was never heard of before, for a *legacy pension*, that is to say, for the power of bequeathing about two thousand pounds a year for the lives of four other persons after his own death, which sum is now actually paid annually to his legatees out of the taxes! The Boroughmongers forget what stimulated him to write. They forget that when he set down to write, the question was, not what the interests of his country dictated; no, nor not what the interest of Lord Fitzwilliam dictated; but what would *please Lord Fitzwilliam*, on whom he was a pauper before, as much as he was a pauper upon the public after the writing of his pamphlets. So that it is very silly on the part of the Boroughmongers to pin their faith upon the maxims and opinions of this man, which maxims and opinions, were, in fact, the fruit of their own folly, and not of his wisdom. These observations with regard to Burke have been suggested by the circumstance of your Lordship having read a passage from his pamphlet during your speech, when you introduced the bill for taking away the personal liberty of the people. In this passage, after speaking of the character of the leaders in the French revolution; after describing them as able, bold, and active men, he speaks of the vigour and severity which the Bourbon government ought to have made use of to put them down, and thereby stifle the revolution at once. Whether this passage had been pointed out to you by Lord Fitzwilliam or his surprisingly wise son, or by Mr. William Elliott, who fills one of those seats which Lord Fitzwilliam has at his disposal, or by any

other of the old alarmists, or whether it was suggested by that "sound discretion" (to make free with a phrase of Lord Liverpool) which was so conspicuous in your Lordship, when you called upon the Lords Lieutenant to keep the roads of the kingdom clear of snow, and when you were pleased to express your high approbation of the formation of the order of Knights Brunswickers at Norwich, who had chosen a quack doctor as their chief; whatever it was that suggested the reading of this passage to the house, it is very clear to me now; and so it was then, that Burke's opinion with regard to France was fully intended to be acted upon with regard to England.

But, my Lord, you should have profited from the writings of Burke in a different way. His advice was a thing to *shun*, and not to follow; for, the great object of his writings was, *to repress the spirit of reform* in England at the commencement of the revolution in France. To this point all his efforts were directed. His object was not to prevent a republican revolution in England, which he well knew that the reformers did not contemplate; but, to prevent the people from recovering those rights, which he as well as any man knew the Boroughmongers had usurped; and which Boroughmongers he, in his heart, most decidedly condemned, but supported them and their unjust pretensions, because he depended wholly upon them, not only for his seat, but for his bread.

These were the grounds, and these were the motives, upon which he proceeded in urging the nation on to war against France, which, your Lordship will please to observe, was, at that time, become, not a republic, but a limited kingly government, or, as Fortescue called the government of England four hundred years ago, a "*political mixed government*," founded upon the principle, "that a king is made for the good of a kingdom, and not a kingdom for the good of a king." Nothing, one would have thought, could have been better calculated to please the nobility and gentlemen of England, who had always been exclaiming against the despotism of the Bourbon government, and against the

persecution of its priests. But, the Boroughmongers saw, that if the new government stood in France; that if a real representative government stood there, it would become utterly impossible to prevent a reform in the Parliament of England; and, *therefore*, they resolved to destroy, if possible, the new government of France, by going to war against that government, and by drawing into an alliance with them, at any price, every power in Europe. Hence all those unnatural alliances, and those unnatural objects, upon which the money and the blood of our countrymen have been expended. Burke was the man pitched upon to be the trumpeter to this cruel and bloody crusade. The crusade has succeeded so far. The Bourbons are restored; a "holy alliance" is formed; despotism everywhere reigns in Europe; and Mr. Paul Methuen, in seconding the address in opening the Parliament in 1816, congratulated the house, that England stood at the head of the cause of *legitimacy*; that is to say, of that very *divine right*, which Blackstone, and which every other English lawyer, worthy of the name of lawyer, have reprobated as blasphemous.

But; (and here it was that your Lordship lost sight of the true use of Burke's writings,) though the crusade of the Boroughmongers has been successful thus far, or, at least, might be said to be successful after the battle of Waterloo, the struggle was not at an end. The *spirit of reform* revived the moment the foreign enemy was no more. That spirit, which, as it were by compact, the people had suffered to lie dormant, while any one could say that there was an enemy of England abroad, sprang up again as soon as peace was restored; and, it came strengthened too by a discovery of the delusions which had been practised upon the people during the war; by an exposure of the real motives of that war; and by the insupportable load of debt which had been contracted for the carrying on of a war, the great object of which was now discovered to have been the preservation of the Boroughmonger system.

Thus, by having followed the advice of Burke, you should have perceived, the nation had been brought into the state of which you complained when you introduced your bill for giving you the absolute power of imprisonment. You should have perceived, that the very thing which Burke's advice professed to prevent had arrived; that the question of reform, which at no former time came backed by more than fifty or sixty thousand names to petitions, now came backed with the names of nearly two millions of men; and, above all things, you should have perceived, that it was the having followed that man's advice, which had created that *debt*, which now demands forty-four millions sterling a year; which, together with the army necessary for the collection of those millions, have filled the jails with the middle classes of the people, the work-houses with the lower classes, the hearts of the Boroughmongers themselves with terror and dismay, and which have driven them to pass acts, at the introduction of which you yourself expressed *your sorrow and your shame*. And well you might, my Lord: for, if you are afraid of what is impudently called *Jacobinism*; if you are afraid of that *now*, at the end of twenty-five years of war against it; if it be now necessary to take away every fragment of freedom in order to prevent that spirit from bursting forth, *when*, I pray your Lordship to say, do you expect to see that spirit *extinguished*? At what epoch does your Lordship imagine that the liberties of the country can be restored, if it be unsafe to trust the people with any portion of liberty at this time?

Seeing, therefore, that the advice of Burke, by having been followed by the government, had been productive of such dreadful calamities and such indelible disgrace, you should have shunned that advice with as much care as we shun vipers and toads. At the hour when your bill was introduced, there was yet time to put every thing to rights, justly and peaceably. Taking up Burke's vile book, it your Lordship had said, "the having followed this fatal advice; the having been misled by this hack of the Bo-

roughmongers, has induced the government to adopt a series of measures, which have plunged the nation into debts insupportable, and rendered necessary in order to collect the taxes, to pay the interest of those debts, a standing army in time of peace of a hundred and fifty thousand men; such having been the consequences of the government having been misled by this man's advice, let us, my Lords, in the name of all that is dear to us, follow this advice no longer; but let us listen with patience, at any rate, to the respectful and humble supplications of the people, who have borne all their sufferings with so much fortitude; let us, at the least, discuss the matter with them like friends; like their natural guardians and protectors; and let us reject the advice of all those who would have us answer their petitions by threats of dungeons and gibbets." If your Lordship had uttered these words, or any other words of similar meaning, and as much better selected as your Lordship's superior abilities would have suggested to you, your name would have made a very different figure in history from what it will now make, and the remainder of your life would, in all human probability, have been much more peaceable and happy than I think it is now likely to be.

My Lord, it is totally false, and I am convinced that your Lordship knows it to be false, to say, that the Reformers had, or have, any other object in view than that of obtaining the real practical right of choosing their representatives in the Common's House of Parliament.—There has been no proof produced of any one single man, who has stood forward in the cause of Reform, having, even in the most private manner, expressed a wish *to go further*. No proof has been produced of any scheme for altering the form of the Government. No body but the Boroughmongers themselves and their underlings has ever proposed to touch the Church or her property. That we have a right, according to the laws and usages of our forefathers, to Parliaments annually chosen by all the men who pay taxes

of any sort, has been proved over and over again. When we complain of alterations in the laws which alterations bear *against* the people, we are always told that one of the great Excellences of our Constitution is, that it admits of improvements to suit the times and circumstances; but, if we propose any alteration in the laws in *favour* of the people, we are instantly exclaimed against as *daring innovators*. Therefore, to avoid this charge in the present case, we have gone back to the old laws and usages, and we demand nothing, no, nothing at all that is new. It is upon this ground that the late Duke of Richmond's proposition stood, and the Duke of Richmond had as much sense in his little finger as Burke had in his whole body, if the sense of the latter is to be sought for in his works. It is upon this ground that Mr. FAUKES has argued the question; and Mr. Faukes, with, perhaps, a landed estate of twenty thousand pounds a year, can hardly be much of a *jacobin* and *leveller*. The truth is, I dare say, that Mr. Faukes, besides the motives of justice and love of freedom, by which I am sure he is actuated, is very well assured, that a Reform of the Parliament would give him and his heirs the best possible security for their estates. At any rate, we have asked for no innovation. We have urged our claims upon the double ground of law and of reason; and the only answer that we have received is to be found in the vile abuse of the hirelings of the press, and in a series of measures on the part of the Boroughmongers which have deprived the people of the very semblance of liberty. But, my Lord, as I have repeatedly said, this state of things cannot remain long. Penal Statutes never did yet reconcile a people to the Government, nor will they do it now.

The picture which England exhibits to the world at this moment, taking a *moral* view of the matter, is one of the most useful, though of the most horrid, that ever was exhibited to mankind. Penal Statutes have gone on increasing both in number and in severity, and that, too, in a surprisingly augmented proportion year after year during the present King's reign, till, at last, there are more persons condemned to death in one single year, than were condemned to death during the whole forty five years of the reign of Queen Elizabeth; and, if we except cases of rebellion, or what was called rebellion, during the reign of the Stewarts, the last ten years have seen more persons condemned to death than were condemned to death during the whole course of the wicked reigns of the James's and the Charles's. This is not because it is George the Third who has reigned; it is not because the House of Hanover has been upon the Throne; for the nation has known very free and happy days since that House has been upon the Throne of England; but, it is because a new system of Government has been introduced; because a Funding System has formed part of the Government; and, above all things, it is because the people have lost, by slow degrees, all real voice in the choosing of the Members of the House of Commons. Hence long and sanguinary wars; hence an enormous standing army in time of peace; hence an up-start race of rich monied men, who have no feeling in common with the mass of the people; who have no sentiment of attachment to country or to freedom; who have trampled down and destroyed all the little gentry of the country, who are so closely connected both in interests and feelings with the people, and hence that desolating System of taxation, which now takes

ten pounds out of every eighteen pounds of the journeymen's and labourer's wages, which has left to no land proprietor even, any thing that he can truly call his own, which has in many instances acted as a direct confiscation of property, which has robbed the heirs of estates of part of the estates entailed upon them, which has violated all the contracts between man and man, which has set at nought the Deeds of the living, and the Testaments of the dead, which, with a hand as unsparing as that of the Pestilence, has plunged into ruin, misery and mourning, a people who inhabit a country abounding in all the means of affording health, plenty, and power, and cultivated by the industry of that people in a manner which has given to it even those things which nature seemed to have denied.

It is in vain, my Lord, to pretend, that this dreadful change has arisen from causes, with which the Government has had nothing to do. To attribute the change to accident is folly in the extreme; and to ascribe it to the dispensations of Providence would be "*blasphemous*" indeed, especially after we have witnessed a solemn procession to St. Paul's to return thanks to God for the success of the measures of the last twenty-five years!

No, my Lord. It is not accident, it is not the displeasure of Providence to which the misery, the hangings, the transportings, the imprisonings, and the whippings, are to be ascribed. It is to the Funding, the Taxing, and the Boroughmongering System. There have been more people actually executed at the prosecution of the Bank of England alone, than were executed during the previous two hundred years, for all the crimes committed in the country put together. That Institution cannot be considered as distinct from the other parts of the new System; but, if it could, I

would inquire what crime it is that any man has ever been guilty of as to money-matters or as to the violation of the laws of property, equal to that committed by the Bank of England in 1797. That Institution was bound by law to pay upon demand the amount of its notes in specie; that is to say, in gold and silver, being the King's coin, and the *only lawful* money of the Kingdom. Well, what did the Governors and Directors of the Bank do at the time alluded to? Did they pay their notes in specie according to the law? No. They found they were unable to pay according to law. They went, therefore, to the Minister, and represented to him their inability to pay. They obtained his concurrence and the concurrence of the Privy Council in a refusal to pay. They refused accordingly; and, *mark the sequel*, a Bill of INDEMNITY was afterwards passed, to screen the Bank Governors and Directors and also the Minister and the Privy Council, FROM PUNISHMENT for what they had done upon this memorable occasion. All these parties, therefore, are, by this Bill of Indemnity, expressly declared to have been guilty of a *crime*; and, my Lord, you know, as well as I do, and a great deal better, how easily one Parliament can repeal and cancel the laws made by a former Parliament.

And yet, this Institution of the Bank of England goes on prosecuting men to death, and its oaths are taken with as little scrupulousness as if all the persons connected with it were not only without spot on their integrity; but as if they were perfectly infallible. It is, however, the intolerable burthen of the taxes that has produced those innumerable condemnations to death; those endless transportings and imprisonings; those boundless jails and houses of correction which are now built and building all over the King-

dom; and which has also produced no small part of that *insanity*, which, of late years, has increased in our country to such a degree, as to make the care of lunatics become a serious public burden, and the cause of a new law imposing a new and heavy duty upon the counties. The truth is, that human misery leads to one of three events: madness from grief, robbery and murder to relieve want; or, to instant death from starvation. If you were to search the mad-houses, my Lord; if you were to search the jails; if you were to search the last miserable abodes of feebleness, you would find what I say to be true, and you would find, what would be quite enough to make an English Statesman's heart sink within him, that these shocking evils have, for the far greater part, been produced by the measures of the Government, and by the Government I mean, as I said before, the Boroughmongers and their instruments.

Will any of those who live in ease upon the people's labour attempt to deny this increase of insanity and of crimes? If they will, I answer by referring your Lordship to the Reports laid before your own house; whence it appears, that lunatics, criminals, and paupers, have all been augmented in number more than *four-fold* since the commencement of Burke's crusade against the liberties of France as a means of keeping down the Reformers in England. I refer to those Reports, and if those reports do not show that my statement is within compass, I will consent, for the remainder of my life, to be put upon a level in point of veracity and sincerity with the Rt. Honourable William Elliot or Lord Milton, who were two of the "*Opposition Members*" of the famous secret Committee.

But, though there has been a continual increase of these symptoms of national

misery and decline, during the whole of the last twenty-five years, the increase within these *two* years has been so frightful, and so disgraceful, as to produce terror and shame in any body but the Boroughmongers. In a recent debate in the House of Commons, the Attorney-General, Mr. GARROW, in apologizing for the delay in the Royal decision as to the fate of more than *fourscore persons*, under sentence of death in the single jail of Newgate, at one time ascribed the delay to the want of time on the part of the Judges, and took occasion to observe that, not many years ago, long since he had been at the Bar, the Sessions at the Old Bailey required the attendance of the Judges for only *two days*; but that now it required their attendance during *every hour of a fortnight*, Sundays excepted; and, as these Sessions occur once every six weeks, it follows, of course, that two or three of the Judges are occupied during three entire months in every year, in this one court, in the trial of criminals! Why, my Lord, this single fact is enough to set any Government a thinking, if it has any powers of thought or any inclination to think. The learned gentlemen who stated this fact in so public a manner, does not seem to have perceived that he was pronouncing the strongest condemnation of the Government, of which he was a Member. His speech was intended to answer a purpose. It served his turn for the moment, like a speech at the Bar; but, he will excuse me if I make it answer a purpose which he never had in his contemplation. His testimony, however, was not wanted in support of this serious allegation of the increase of crimes. The last *Spring Circuit* proved this beyond all contradiction, and showed that the increase extended to the *country*, and was by no means confined to the metropolis and its populous vicinage. I will not

refer to any of the manufacturing districts, but will mention two or three instances furnished by counties wholly agricultural, and where disturbances of no sort had prevailed. I begin with Hampshire. The Judges used to sit at Winchester two days, or, at most, had a little business left to do, at the *Nisi Prius* Bar, on the third day. At the last Spring Assizes, the business on the *Nisi Prius* side was finished in a few hours. Both the Judges then went to work, each in his court trying the *criminals*. The number of those was so great, that the time was found to be insufficient, before the Judges were, by their commission, compelled to proceed and to open the Assizes at Salisbury for the county of Wilts. Yet the Jail was so full, that there was an absolute necessity for going through all the cases. A large apartment adjoining the castle, called the Grand Jury Chamber, was therefore formed into a *third* court for trying criminals, and Mr. SERGEANT PELL was appointed to be Judge for the time being, in that new Court! Such a thing never was heard of before since Hampshire has been a county. And your Lordship will please to observe, that there had been no *disturbances* as they are called, in Hampshire; no riots of any sort; no public breaches of the peace; and that not one single person was tried for any political offence. Robbery, theft, all sorts of violations of the law, arising from misery, and from hunger; and, as I have a hundred times proved, this misery and hunger had arisen solely from the pressure of taxation; for a more industrious and better people than the people of Hampshire never existed.

In Oxfordshire, the Judge, Mr. Justice Parke, in his charge to the Grand Jury, lamented the long list of crimes that lay before him. He observed, however, that

there were none of them of an extraordinary nature, or that required any particular injunction from him; but he added, that it gave him great pain to state, that they exceeded "more than *four times* the number, that had ever, at any former time, been laid before the Judges of "Assize in that County!" In Lincolnshire, also, a country wholly agricultural, there was but *one single cause* at the *Nisi Prius* Bar; but there were five times as many criminals as upon any occasion within the memory of man.

If this be not disgraceful to the system of Government now going on in England, I should be glad to know when you will be pleased to consider that system as having incurred disgrace. Nor must we overlook in estimating the state of things, of which I am speaking of the symptoms, that *falling off* in the business at the *Nisi Prius* Bar, which falling off has been some time in progress, but which became so conspicuous at the last Spring Assizes. Perhaps it would be impossible to find out any better criterion whereby to judge of the decline in the circumstances of the great mass of the proprietors of the country.

In a letter which I addressed to the people of America, and which was published in England in the latter part of the year 1815, I described the declining state of our country. Amongst other things I gave an account of the falling off of the business at public Houses and Inns. I predicted that there would be a similar falling off in the incomes of gentlemen of the learned professions; and I particularly observed, that *Lawyers*, if that name ought to be given indiscriminately to all the bellows of the Bar, would soon begin to find that they were not exempt from the sweeping effects of taxation. As to the *Attorneys*, one half of whom had become speculators in land

and in banks. The greater part of them were squeezed down into pretty nearly their original size, twelve months ago; and now the *Barristers* are, for the far greater part, under a process of diminution of income, which will very soon make them think more about a loaf of bread than about a silk gown, that object of the ambition of every dirty drab of the Inns of Court, who was willing to vend his small portion of talent to any and every man who possessed power under the Government. At the Assizes in Lincolnshire, where there used to be from fifty to seventy causes at the *Nisi Prius* Bar, there was only one cause last Spring; in Oxfordshire, where there used to be from forty to sixty causes, there were only seven, five of which were actions for the recovery of rent, all of which were *undefended*. In Hampshire, I do not recollect what was the number, but I know, that the whole were despatched in the course of a few hours, and I also know, that only a very few years ago, the Court used to be occupied to the last possible moment of holding the Assize; that Mr. SERGEANT PELL, and Mr. BOROUGH, and some others, used to be so much engaged during the whole week, as for it to be deemed a favour to spare to any one a single minute of conversation; and that, many causes used to *stand over* for want of time; a subject, I remember, upon which I myself had to complain, and Mr. BOROUGH, who is now a Judge, and who was the counsel opposed to me, upon the occasion alluded to, will remember, that I told him that it was not in that way that NAPOLEON'S Courts of Justice managed matters; for, at *his* Assizes, the Judges were compelled to sit until they had heard and decided upon *all* the cases on the roll. The observation that he made in answer to me was not such as he would like to see in print, and therefore

it shall not have a place here, though he certainly would merit it at my hands.

However, the miseries of the country have done away with this evil, at any rate. The gentlemen of the long robe, who have the means to go through the circuit, will now have plenty of time to examine the beauties of the country, and to display their white hands and wrists to the ladies. As for the picking of their teeth, they will not, perhaps, stand in need of much amusement in that way, and they will very soon be wholly relieved from the part of their occupation, which consisted of the superintendence of the stores of wine, spirits, brown stout, and Burton ale, which they had deposited in the several Assize Towns; they always having taken care, like other invaders that carry desolation before them, to provide magazines on their route previous to their march. I observed, in the letter to which I have alluded, that "law was a *luxury*;" a very costly luxury, too; and that an empty purse was the most effectual check to "a spirit of litigation." But, at the same time, it is infallibly correct that law-suits are numerous and important in exact proportion to the number and the magnitude of the sales and transfer of property, and also in proportion to the estimation in which property is held, and to the desire which men have to provide effectually for its security. In the year 1815, I knew very well that the value of property, and that the anxiety to secure property were very fast upon the decline; and upon that knowledge I grounded a confident prediction that the incomes of lawyers would decline.

As far as they are affected by this change, generally speaking, I rejoice exceedingly; for, they have been some of the choicest of the instruments by which our country has been brought to ruin. There has been no act, however unlawful, on

the part of the Government, which they have not, as a body, attempted to justify. They have found out *law* for every thing; and, at last, the two who may be considered as being at their head, have, as your Lordship has informed us, found out *law* for violating, for nullifying, every principle connected with what has been called the *Palladium of Freeman*; that is to say, the *liberty of the Press*; and let Mr. GARROW and Mr. SHEPPERD recollect, that whenever this, the most daring of all the deeds of these times, shall be spoken of, their *names* will not be forgotten. What! they have *discovered*, have they, that there is not now, and that there *never was*, any *indictment*, or any *criminal information*, necessary previous to the *punishing of a man* for what may be blasphemous or seditious! No: not for what *may be* blasphemous or seditious, but what any Justice of the Peace may *think to be*; nay, what any *Police Justice*, who is paid a salary by the government, and who is removable at pleasure, may *think to be* blasphemous or seditious! My Lord, to be patient, to be cool, to attempt to reason in answer to such an audacious insult to the common sense of the people, would be to participate in the never-to-be-forgiven crime of having offered that insult; and, therefore, I shall conclude this letter with again repeating to your Lordship, that this state of things cannot last long, and that if it could last for any number of years, it would render

England, Scotland, and Ireland, the most contemptible nation upon the face of the earth. "*Trial by Jury!*" Where is my Lord ERSKINE, with his "*trial by jury?*" How that phrase ever came to be hung on to his name, I cannot tell. But *where is he*, while a discovery is put forth, which authorizes any magistrate in the kingdom to put any man into prison who shall publish any thing that that Magistrate does not approve of; and, when it is well known, too, that all magistrates are appointed by the absolute power of the crown: and that Lords Lieutenant may be turned out of their office at pleasure? Is it not punishment to put a man in prison, and is he not thus punished without being brought before a jury? He may *give bail*, you say; but, marked out as he will be by the magistrates, who will be his bail? And who is to determine the *amount* of the bail? Suppose the man not to have a shilling in the world, how is he to find bail? in short, it is useless to say another word upon the subject. The thing is seen in its true light by every one who views it; and I shall be very much disappointed, indeed, if Mr. Garrow and Mr. Shepperd do not live to see the day when they will be sorry for that of which they appear now not to be ashamed.

I am

Your Lordship's

Most Obed't. Humble Servant,

WM. COBBETT.

Copy-right secured according to law.

Published by H. Cobbett, at Cobbett's Register Office, No. 19 Wall-street.